

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA
Western Division

U.S.A. vs. Felix Fogg Jr.

Docket No. 4:10-CR-84-1BR

Petition for Action on Term of Supervised Release

COMES NOW Maurice J. Foy, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Felix Fogg Jr., who, upon an earlier plea of guilty to Distribution of a Quantity of Cocaine, 21 U.S.C. § 841(a)(1), was sentenced by the Honorable W. Earl Britt, Senior U.S. District Judge on May 31, 2011, to the custody of the Bureau of Prisons for a term of 51 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States probation officer or, at the request of the probation officer, any other law enforcement officer, of his/her, person and premises, including any vehicle, to determine compliance with the conditions, of this judgment.
3. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

Felix Fogg Jr. was released from custody on 10/1/2013, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The defendant has failed to participate as directed in the Surprise Urinalysis Program from March 2014, to July 2014. The defendant met with the probation officer for an office visit on June 4, 2014. While addressing the defendant's missed urinalysis from March to May 2014, the probation officer smelled alcohol on the defendant. The defendant was verbally reprimanded and instructed to never appear for an office visit under the influence of any substance. The defendant was also informed not to miss another urine test or the court would be notified. On August 4, 2014, the defendant appeared for another office visit. Due to the smell of alcohol, a breathalyzer test was taken and the defendant's BAC was .170. The probation officer also noticed that the defendant failed to participate in the Surprise Urinalysis Program from June to July 2014. To address this non-compliance and substance abuse issue, the probation officer immediately referred the defendant for substance abuse treatment and 60 hours of treatment was recommended. Additionally, the probation office is recommending that the defendant abstain from the use of any alcoholic beverages and participate in the Alcohol Monitoring Program for a period up to 90 days. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
2. The defendant shall abide by all terms and conditions of the Remote Alcohol Monitoring Program, as directed by the probation officer, for a period not to exceed 90 days. The defendant shall comply with the program procedures and shall pay costs associated with remote alcohol monitoring services.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/Michael C. Brittain
Michael C. Brittain
Senior U.S. Probation Officer

/s/Maurice J. Foy
Maurice J. Foy
Sr. U.S. Probation Officer
310 New Bern Ave.
Raleigh, NC 27601
Phone: 919-861-8678
Executed On: August 7, 2014

ORDER OF THE COURT

Considered and ordered this 11 day of August, 2014 and ordered filed and
made a part of the records in the above case.

